

SENATE BILL 70

M1

0lr0015

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)**

Requested: October 5, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 17, 2010

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources – Vessel Noise – Limitation**

3 FOR the purpose of altering the maximum allowable noise level from certain vessels
4 for engines manufactured on or after a certain date; prohibiting a person from
5 owning or operating a vessel on State waters unless the vessel meets certain
6 requirements and regulations for noise suppression; requiring the Department
7 to issue a warning for a certain violation; and generally relating to noise
8 limitations for vessels owned or operated on State waters.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 8–725.4
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Natural Resources**

17 8–725.4.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The provisions of this section do not apply to persons who regularly catch
2 or harvest seafood for sale while actually engaged in the catching or harvesting of the
3 seafood.

4 (b) (1) Except as provided in subsection (d) of this section, a person may
5 not operate a vessel on the waters of the State so as to exceed [a] **THE FOLLOWING**
6 noise [level of 90dB(a).] **LEVELS:**

7 (I) **FOR ENGINES MANUFACTURED BEFORE JANUARY 1,**
8 **1993, A NOISE LEVEL OF 90DB(A); AND**

9 (II) **FOR ENGINES MANUFACTURED ON OR AFTER JANUARY**
10 **1, 1993, A NOISE LEVEL OF 88DB(A).**

11 (2) Noise level limits for waters of the State shall be measured using
12 generally accepted testing procedures imposed by regulations adopted by the
13 Department based on the Marine Environment Sound Level Measurement Procedure,
14 SAE J 2005.

15 (3) An owner or lessee of a vessel may not allow the vessel to be
16 operated on waters of the State in violation of paragraph (1) of this subsection.

17 (c) A person may not own or operate on any waters of the State any vessel
18 manufactured after January 1, 1990 that:

19 (1) [is] **IS** not equipped with **AND CONSTANTLY OPERATING** a
20 **FUNCTIONING** muffler or device or system which muffles or suppresses engine noise
21 [in accordance with regulations adopted by the Department];

22 (2) **IS EQUIPPED WITH AN ALTERED MUFFLER OR A FUNCTIONING**
23 **DEVICE THAT BYPASSES, REDUCES, OR ELIMINATES THE EFFECTIVENESS OF A**
24 **MUFFLER OR ENGINE NOISE SUPPRESSION DEVICE OR SYSTEM; AND**

25 (3) **IS NOT IN ACCORDANCE WITH REGULATIONS ADOPTED BY**
26 **THE DEPARTMENT.**

27 (d) The Department may adopt regulations to permit exceptions to this
28 section, including exceptions for:

29 (1) Economic hardship;

30 (2) Vessels participating or preparing to participate in a U.S. Coast
31 Guard or Department approved race or event;

32 (3) The testing, repair, or development of vessel engines conducted by
33 a bona fide engine or boat manufacturer or service person; and

1 (4) Vessels belonging to a volunteer fire department, ambulance
2 company, rescue squad company, or advance life support company or a political
3 subdivision.

4 (e) In addition to the provisions of subsection (b) of this section, the
5 Department may adopt regulations to enforce this section, including regulations
6 establishing noise limitations.

7 (f) (1) ~~A person who violates any provision of this section is guilty of a~~
8 ~~misdemeanor and on conviction is subject to a fine not exceeding:~~

9 (i) ~~For the first offense, \$500; and~~

10 (ii) ~~For the second offense, \$1,000 or imprisonment of 30 days or~~
11 ~~both~~

12 **(I) FOR A FIRST VIOLATION OF THIS SECTION, THE**
13 **DEPARTMENT SHALL ISSUE A PERSON A WARNING.**

14 **(II) FOR A REPEAT VIOLATION OF THIS SECTION, A PERSON**
15 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
16 **EXCEEDING:**

17 **1. FOR A SECOND OFFENSE, \$500; AND**

18 **2. FOR A THIRD OR SUBSEQUENT OFFENSE, \$1,000**
19 **OR IMPRISONMENT OF 30 DAYS OR BOTH.**

20 (2) Paragraph (1) of this subsection does not limit or supersede any
21 other penalty that may be imposed under this subtitle for a violation of any other law
22 or regulation adopted under this subtitle.

23 (g) All regulations adopted by the Department under this section shall be in
24 accordance with the Administrative Procedure Act under Title 10 of the State
25 Government Article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2010.